

IN RE: PETITION FOR VARIANCE
S/S Forest Green Road, 755' W
of Pimlico Road
(2433 Forest Green Road)
3rd Election District
2nd Councilmanic District

Stephen M. Friedman, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-329-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 2433 Forest Green Road, located in the vicinity of Smith Avenue and Pimlico Road near Pikesville. The Petition was filed by the owners of the property, Stephen M. and Elaine F. Friedman. The Petitioners seek relief from Section 211.3 and 301.1 (1955 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (existing deck) with a side yard setback of 3.6 feet in lieu of the required 11.25 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Stephen Friedman, property owner, and Julius W. Lichter, Esquire, attorney for the Petitioners. Appearing in support of the request were Doris Hyatt and Gabriel Rosenbush, Jr., nearby property owners. Appearing as a Protestant in the matter was Beatrice Davis, adjoining property owner.

Testimony and evidence offered revealed that the subject property consists of .12 acres, more or less, zoned D.R. 5.5 and is improved with a single family dwelling and an attached open deck, which is the subject of this request. The Petitioners testified that they had applied for and

ORDER RECEIVED FOR FILING

Date 5/24/96

By [Signature]

obtained a building permit to construct the subject deck in 1989 and that the deck has existed on the property since that time. There have been no modifications or changes to the structure since it was built. It was recently discovered, however, that this deck is located 3.6 feet from the property line shared with Ms. Davis. Testimony revealed that Ms. Davis resided next door at the time the deck was constructed and did not voice any complaint at that time. Ms. Friedman testified that she and her husband use the deck for cook-outs and for relaxing outdoors when weather permits. Ms. Friedman also submitted a Petition which had been signed by many of her neighbors who reside in the community indicating that they have no objections to the deck. Furthermore, the Petitioners submitted into evidence photographs of their property depicting the deck in question and other decks in the community which are built similarly.

As noted above, Ms. Beatrice Davis appeared in opposition to the relief requested. Ms. Davis is opposed to the deck as she feels it is too close to her property and invades her privacy. She testified that her neighbors can see into her bedroom when they use their deck. Ms. Davis testified that she has resided in her house since 1987 and assumed that the deck had been constructed in compliance with all Baltimore County regulations. Recently, however, Ms. Davis purchased a dog and had a fence constructed around her property. During the course of a property line survey of her property which was done for the fence, it was discovered that her neighbors' deck was located close to their property line and that a variance was required. Ms. Davis objects to the variance and believes the Petitioners should maintain the required setback for their deck.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

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Date 5/21/96
By [Signature]

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. The testimony and evidence in this case shows that the deck has existed on the property for the past seven years. Furthermore, a valid building permit for the deck was issued and it should have been determined at that time if a variance was needed prior to construction of the deck. This error is not attributable to the Petitioners, but apparently is due to a clerical mistake made by a County employee. In any event, I do not believe that the Petitioners should be penalized and required to remove the deck or to reduce its size as a result of this error. In my opinion, the relief requested will not be detrimental to the health, safety or general welfare of the surrounding locale and meets the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING


Date

By

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of May, 1996 that the Petition for Variance seeking relief from Section 211.3 and 301.1 (1955 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing open projection (deck) with a side yard setback of 3.6 feet in lieu of the required 11.25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that any party has the right to file an appeal of this decision provided they do so within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 20, 1996

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Forest Green Road, 755' W of Pimlico Road
(2433 Forest Green Road)
3rd Election District - 2nd Councilmanic District
Stephen M. Friedman, et ux - Petitioners
Case No. 96-329-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Stephen M. Friedman
2433 Forest Green Road, Baltimore, Md. 21209

Ms. Beatrice Davis
2431 Forest Green Road, Baltimore, Md. 21209

People's Counsel

File



Printed with Soybean Ink
on Recycled Paper



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing _____

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
96-329-A

District 3rd

Posted for: April 11, 1996 hearing Date of Posting 3-22-96

Petitioner: Stephan and Elaine Friedman

Location of property: 2433 Forest Green Road

Location of Sign: _____

Remarks: _____

Posted by Mark Hand

Signature

Number of Signs: _____

Date of return: _____

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of The County Office Building, 111 W. Greenpeace Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #95-329-A

(Item 329)

2833 Forestgreen Road
S/S, Forest Green Road, 758
W of Brook Road

3rd Floor

2nd Floor

1st Floor

Basement

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THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Emile

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/14, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/14, 1996.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

BY JLL # 329.

No. 010264

96-329-A

DATE 2/29/96 ACCOUNT R0216150

AMOUNT \$ 85.00

RECEIVED FROM: FRIEDMAN

2433 FOREST GREEN RD.

RES VAR. 50.00

FOR: 1510N 36.00

RECEIVED 7-2-96 TOT = 86.00
DEPARTMENT OF FINANCE
BY: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: # ~~328~~ 329

Petitioner: FRIEDMAN

Location: 2433 FOREST GREEN RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MR & MRS STEPHEN FRIEDMAN

ADDRESS: 2433 FOREST GREEN RD

BALTIMORE, MD 21209

PHONE NUMBER: (410) 484-0487

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
March 14, 1996 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Stephen Friedman
2433 Forest Green Road
Baltimore, MD 21209
484-0487

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-329-A (Item 329)
2433 Forest Green Road
S/S Forest Green Road, 755' W of Pimlico Road
3rd Election District - 2nd Councilmanic
Legal Owner: Stephen M. Friedman and Elaine F. Friedman

Variance to permit an open projection (existing deck) side yard setback of 3.6 feet in lieu of the required 11.25 feet.

HEARING: THURSDAY, APRIL 11, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 7, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-329-A (Item 329)
2433 Forest Green Road
S/S Forest Green Road, 755' W of Pimlico Road
3rd Election District - 2nd Councilmanic
Legal Owner: Stephen M. Friedman and Elaine F. Friedman

Variance to permit an open projection (existing deck) side yard setback of 3.6 feet in lieu of the required 11.25 feet.

HEARING: THURSDAY, APRIL 11, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Stephen and Elaine Friedman

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 4, 1996

Mr. and Mrs. Friedman
2433 Forest Green Road
Baltimore, MD 21209

RE: Item No.: 329
Case No.: 96-329-A
Petitioner: Stephen Friedman, et ux

Dear Mr. and Mrs. Friedman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



INTEROFFICE CORRESPONDENCE

Date: March 18, 1996

FROM: *WFB* Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for March 18, 1996
Item Nos. 327, 328, (329), 330 & 333 4

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:jrb

cc: File

ZONE2

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 03/12/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAR. 12, 1996

Item No.: SEE BELOW

Zoning Agenda:

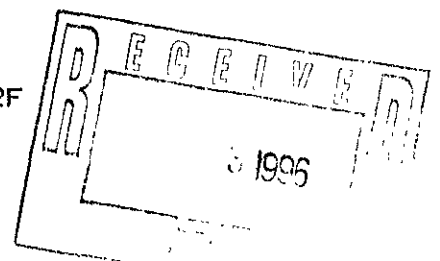
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 325, 327, 328, 329,
330 AND 333. 5

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

3-8-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 329 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: March 7, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 316, 317, 319, 321, 322, 325, 327, (329), 330, and 333 9

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

RECEIVED

Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: March 14, 1996

FROM: James H. Thompson - MG
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 329
PETITIONER: Stephen M. Friedman and Elaine F. Friedman
Tenants By Entireties

VIOLATION CASE NO.: C-96-2457

LOCATION OF VIOLATION: 2433 Forest Green Road
Baltimore, Maryland 21209
3rd Election District

DEFENDANTS: Stephen M. Friedman and Elaine F. Friedman
2433 Forest Green Road
Baltimore, Maryland 21209

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

Beatrice Davis

ADDRESS

2431 Forest Green Road
Baltimore, Maryland 21209

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT//hek



Baltimore County
Department of Permits and Development Management
Bureau of Code Enforcement
111 West Chesapeake Avenue
Towson, Maryland 21204

Rm 119

Zoning Review
87-3391

Call for good
for hearing
87-3391

5 photos
variance

mailed copies
of Permit
12/5/95 3:35 PM

12/14/95
John
Rm 111

CODE VIOLATION NOTICE

NAME: Stephen + Elaine Friedman
ADDRESS: 2433 Forest Green Rd.
CITY-ZIP: Balt Md. 21209

DATE: 11-9-95

RE: Case No. 96-2457

LOCATION: 2433 Forest Green Rd.
DISTRICT: 3

Dear MR + MRS Friedman:

In accordance with the Baltimore County Code, Article IV, Section 402. (d), an inspection was conducted of the above location, zoned . This inspection revealed violation(s) according to the following code(s):

- ☒ Baltimore County Zoning Regulations (BCZR), Section 102.1.
- ☐ Building Code of Baltimore County, Maryland, Section 102.1.
- ☐ Livability Code, Baltimore County, Section 18-88.
- ☐ Other

The following correction(s) is/are required:

Deck on side of House does not meet
the zoning side yard set backs. You
must file for a zoning variance within
30 days of this notice to have the
side set back changed.

need permit, & if possible violation notice left onto Chesapeake
1st Bldg on right turn right to end of hallway

The above violation(s) must be corrected on or before 12-9-95 or further legal action will proceed, in which you may be subject to a civil penalty. Should you need further clarification, please contact

Mark Gamm, Code Inspector, at (410) 887-4032 6060

① Sign posted 15 days before hearing date go to Bureau & fill out papers

11/4/96 @ 8:36
spoke w/ Mark on side
write it up on side
12/1/96
+ if not
he will
mail it

8-9 a
3:30-4 PM

RE: PETITION FOR VARIANCE
2433 Forest Green Road, S/S Forest Green
Road, 755' W of Pimlico Road, 3rd
Election District, 2nd Councilmanic

Stephen M. and Elaine F. Friedman
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-329-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

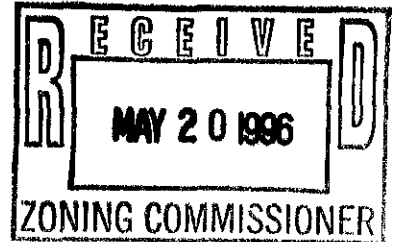
I HEREBY CERTIFY that on this 2nd day of April, 1996, a copy of the foregoing Entry of Appearance was mailed to Stephen M. and Elaine F. Friedman, 2433 Forest Green Road, Baltimore, MD 21209, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

May 16, 1996

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Old Court House
400 Washington Avenue - Room 112
Towson, Maryland 21204



RE: Friedman - 2433 Forest Green Road, Baltimore, Md. 21209
Case # 96-329A

Dear Sir:

On April 11, 1996 a hearing was held regarding the above captioned case in reference to the deck that was built.

Since I am directly affected by your decision, as the next door neighbor, I would appreciate hearing whether a decision has been made.

Thank you for your attention to this matter.

Very truly yours,

Beatrice Davis

Ms. Beatrice Davis
2431 Forest Green Road
Baltimore, Md. 21209

telephone
(410) 486-0753

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

BEATRICE DAVIS

2431 FOREST GREEN RD,
Baltimore, Md. 21209



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

STEPHEN FRIEDMAN

2433 FOREST GREEN RD

DORIS HYATT

2434 FOREST GREEN RD

GABRIEL W. ROSENDAHL JR

2430 FOREST GREEN RD



4/11/11 1:00 PM

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2433 FOREST GREEN ROAD see pages 5 & 6 of the CHECKLIST for additional required information

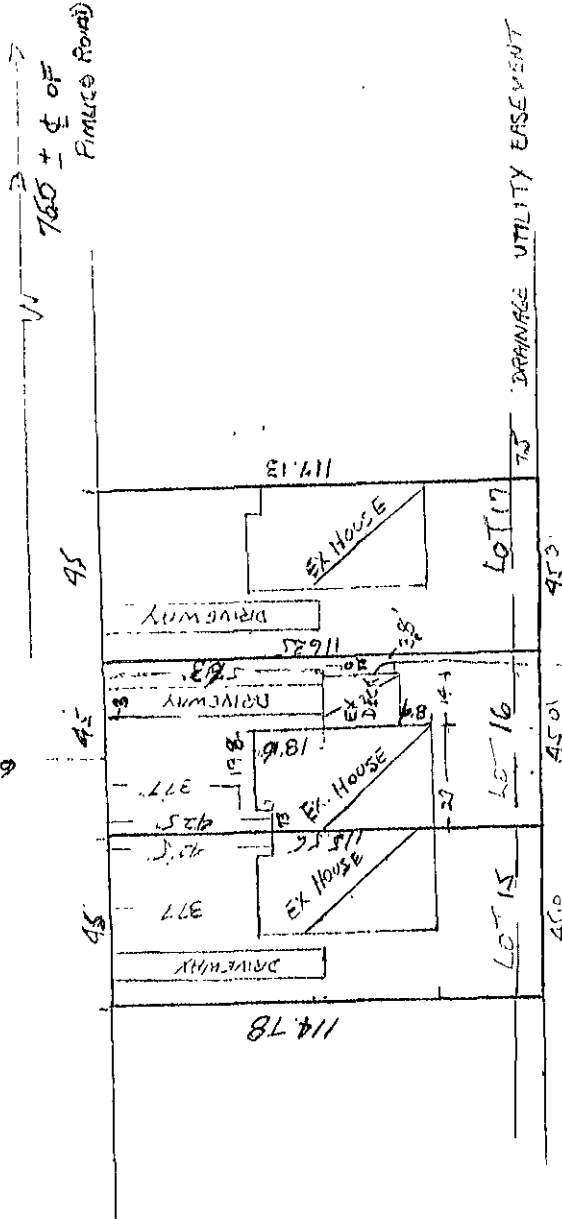
Subdivision name: FOREST GREEN

plat book # 24, folio # 23, lot # 16, section # BLK F

OWNER: STEPHEN & ELAINE FRIEDMAN

96-329-A

FOREST GREEN ROAD

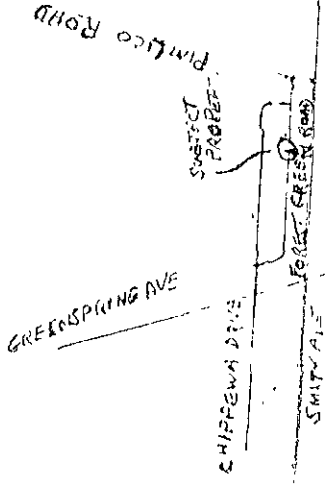


North

date: 1-15-96

prepared by: SAIF

Scale of Drawing: 1" = 50'



Vicinity Map
Scale: 1"=1000'

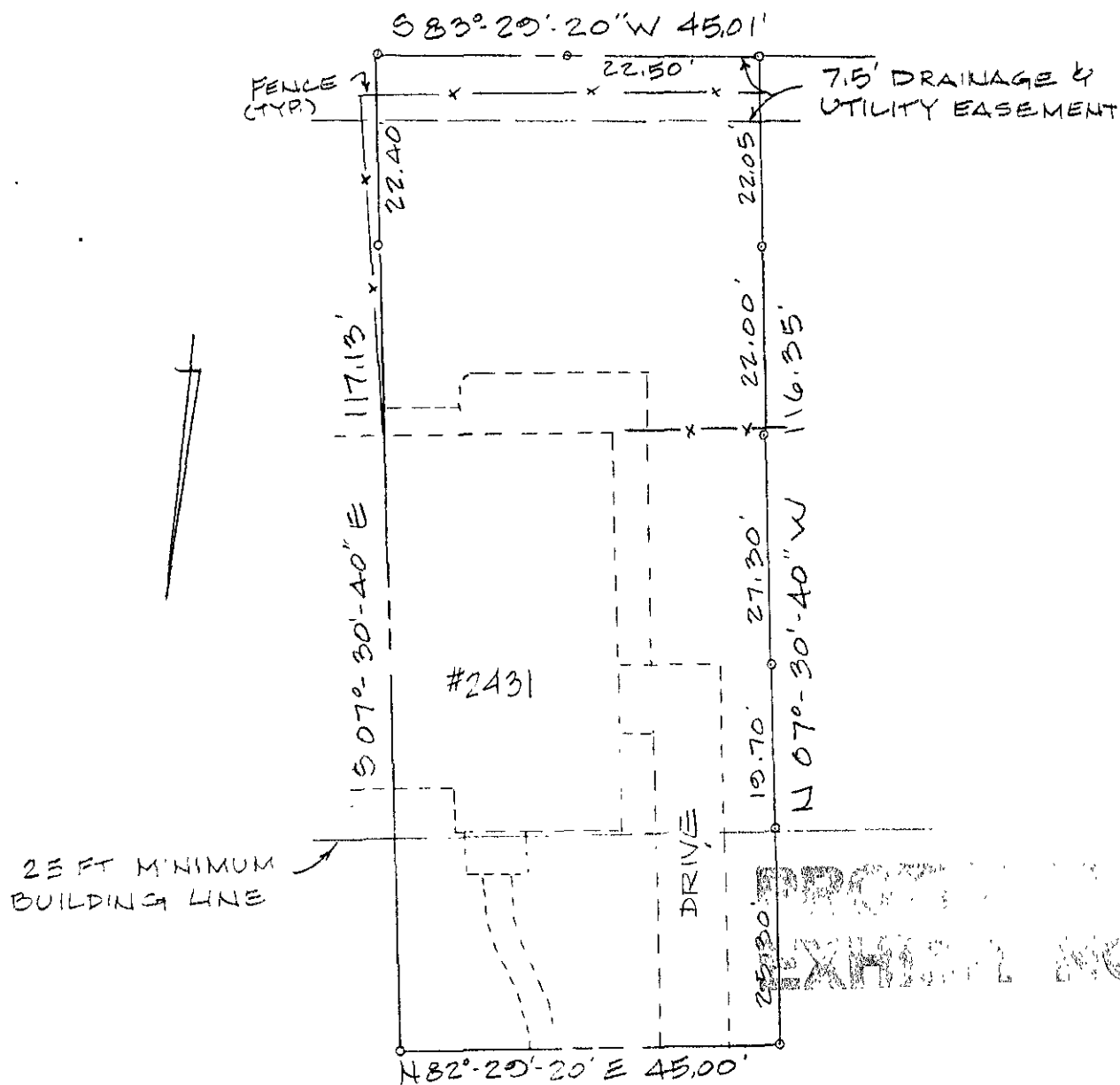
LOCATION INFORMATION

Election District: 323
Councilmanic District: 22D
1"=200' scale map #: NWB-3
Zoning: DR-15
Lot size: .12 acreage 5125 square feet

Public Private
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: JL ITEM #: 329 CASE #:



FOREST GREEN ROAD

° DENOTES PIN & CAP SET

BOUNDARY SURVEY

FOR BEATRICE DAVIS

LOT 17 BLOCK "A"
FOREST GREEN
PLAT BOOK GLB 24 FOLIO 23
BALTIMORE COUNTY, MARYLAND



Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners

3723 Old Court Road, Suite 208
Baltimore, Maryland 21208

Telephone: (410) 653-3838

Facsimile: (410) 653-7953



SCALE: 1" = 20' DATE: 8-15-95



BALTIMORE COUNTY MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

John R. Ring
BUILDINGS ENGINEER

3024929

DATE ISSUED 07/24/89

DIST 03 PRD 07
031004170 CLASS 04

PROJECT 03 PLOT 3
2433 FOREST GREEN RD
MUNICIPALITY FOREST GREEN

OWNER AND ORIGINATOR
NAME: FRIEDMAN, STEVE & GILLEN
ADDR: 2433 FOREST GREEN RD 21209

DESIGNER
RIMBACH LAND DESIGN & BLDGS

CONSTRUCT AN OPEN WOOD DECK ON SIDE
OF EXISTING SFD 14X20 200 SQ FT.
FOOTINGS REQUIRED

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

BLDG CODE 1 AND 2 FAM CODE
RESIDENTIAL DETACHED

PRIVATELY OWNED

ESTIMATED & PROPOSED USE SAME + DECK
1000 SQ EXISTING USE: SFD

TYPE OF IMPROVEMENT
ONE FAMILY

FOUNDATION
SEWER PUBLIC EXIST.

BASEMENT
WATER PUBLIC

LOT SIZE AND SETBACKS

SIZE 045/075/115/116

FRONT STREET

SIDE STREET

FRONT SETB NC

SIDE SETB 81/NC or (84/NC FADER ON MY ORIGINAL COPY)

SIDE STR SETB

REAR SETB NO

UNRECORDED

3

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

2431

①

PETITION

We the signers of this Petition are neighbors of Stephen and Elaine Friedman of 2433 Forest Green Road and are aware that they have an existing deck which was constructed pursuant to a Building Permit issued by Baltimore County in 1989. We are also aware that because of a complaint of an adjoining neighbor they have been required to request a variance for the deck and the case is set for Hearing on April 11, 1996 in Case No. 96-329-A. The deck has been constructed in keeping with the neighborhood as other similar decks have been constructed and we wholeheartedly support the request for variance to allow the deck to remain as constructed.

NAMEADDRESS

Ide Harris	2437 Forest Green Rd
Thyllis Hankin	2443 Forest Green Rd
Conrad Hankin	2443 Forest Green Rd
Larry Hankin	2443 Forest Green Rd
Mitch Greenberg	2449 Forest Green Rd
Jack Green	2447 Forest Green Rd
Sandy Bettelbach	2459 Forest Green Rd
Stanley Jordan	2453 Forest Green Rd
Spurley Kohn	2454 Forest Green Rd
Bruce Kohn	2454 Forest Green Rd
J. Brey	2450 Forest Green Rd
Anna Pastrowicz	2448 Forest Green Rd
Marsha Sayre	2440 Forest Green Rd
Scott Webb	6618 Chipmunk Dr
Ruth Robbins	2438 Forest Green Rd
Charles Holzer	2449 Forest Green Rd
Stanley Gleiman	2415 Forest Green Rd
Hedy Gleiman	2415 Forest Green Rd
John Friedman	2435 Forest Green Rd

PETITIONER'S

EXHIBIT 4A

②

PETITION

We the signers of this Petition are neighbors of Stephen and Elaine Friedman of 2433 Forest Green Road and are aware that they have an existing deck which was constructed pursuant to a Building Permit issued by Baltimore County in 1989. We are also aware that because of a complaint of an adjoining neighbor they have been required to request a variance for the deck and the case is set for Hearing on April 11, 1996 in Case No. 96-329-A. The deck has been constructed in keeping with the neighborhood as other similar decks have been constructed and we wholeheartedly support the request for variance to allow the deck to remain as constructed.

NAME

ADDRESS

Glenda Appel	2406 Smith Ave.	Balts md. 21209
Joseph Appel	" " "	" " "
Marion Kennan	2426 Smith Ave	Baltimore 21209
Ruth and Martin Schmitz	2424 Smith Ave	Balti MD 21209
Norm Hyatt	2434 Forest Green Rd	Baltimore 21209
ELAINE & DON RHODY	2436 FOREST GREEN RD.	BALTO MD 21209
DONNA Goldscheider	2442 Forest Green Rd	Baltimore 21209
DAVID Goldscheider	2442 Forest Green Rd	Baltimore 21209
Kimberly Rosenberg	2424 Park Green Rd	21209
Frieda Hartner	2416 Forest Green Rd	21209
Shira London	2404 Forest Green Rd.	21209
Julie Tamm	2402 Forest Green Rd	21209
Michael Leung	2406 Forest Green Rd	21209
Orlyen Bass	6603 Chippewa Dr	21209
Ronald Venable	2409 Forest Green Rd	21209
Dorley Winkler	2409 Forest Green Rd	21209
Sharon Kempf	6623 Chippewa Dr.	21209
Stanley Feinberg	6633 CHIPPEWA DR	21209
Erica Idestone	6638 Chippewa Dr.	21209

4B

(3)

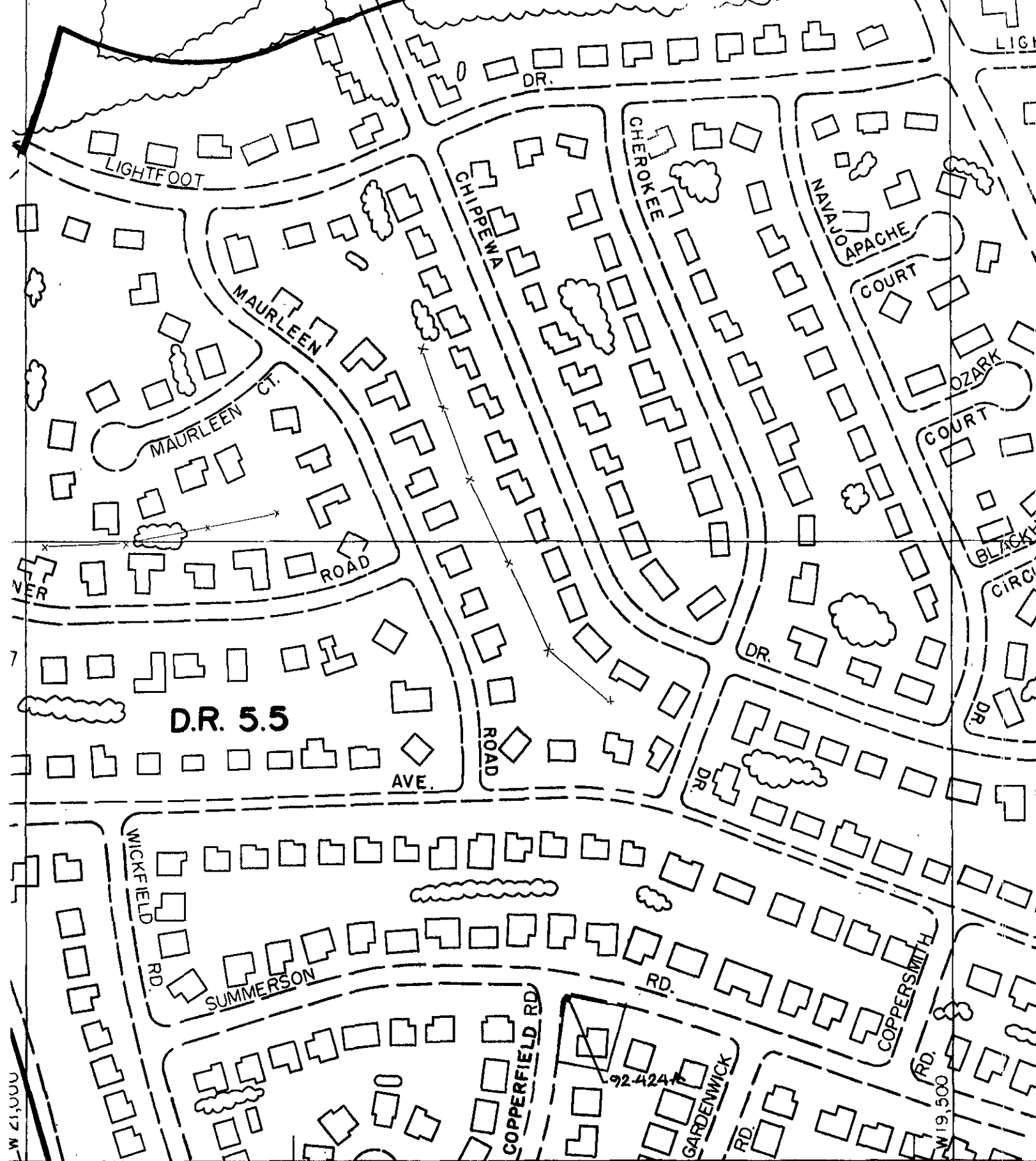
PETITION

We the signers of this Petition are neighbors of Stephen and Elaine Friedman of 2433 Forest Green Road and are aware that they have an existing deck which was constructed pursuant to a Building Permit issued by Baltimore County in 1989. We are also aware that because of a complaint of an adjoining neighbor they have been required to request a variance for the deck and the case is set for Hearing on April 11, 1996 in Case No. 96-329-A. The deck has been constructed in keeping with the neighborhood as other similar decks have been constructed and we wholeheartedly support the request for variance to allow the deck to remain as constructed.

NAME

ADDRESS

R. Buckner	6638 Chippewa Dr.	Balto, Md. 21209
R. B. Cooper	6640 Chippewa Dr.	Balto, Md 21209
J. Kelly	6637 Chippewa Dr	BALTO MD 21209
Ronald Karlin	6635 Chippewa Drive	Baltimore, MD 21209
Bernard Karlin	6635 Chippewa Dr	Balto MD 21209
Roberta S Kaplan	2441 Forest Green Rd.	Balto MD 21209
Harold Kaplan	2441 Forest Green Rd.	Balto MD 21209
Evan Gellin	2451 Forest Green Rd.	Balto 21209
Natalie Ellis	2427 Forest Green Rd	Balto 21209
Charles Eldred	2427 Forest Green Rd.	BALTO 21209
Melvin N. Margulies	2420 Forest Green Rd	Balto, Md 21209
Shirley McManus	2418 Forest Green Rd	Balt MD 21209
Ed Rosenberg	2417 Forest Green Rd	Balto Md 21209
James S	2417 Forest Green Rd	BALTO MD 21209
Carol H. Goldberg	2428 Forest Green Rd	Balt. MD 21209
Donald Goldberg	2428 Forest Green Rd	Balt. MD 21209
Samuel W. Rosenblum	2430 Forest Green Rd	BALTO MD 21209
Edith W. Rosenblum	2430 Forest Green Rd	Balto Md 21209



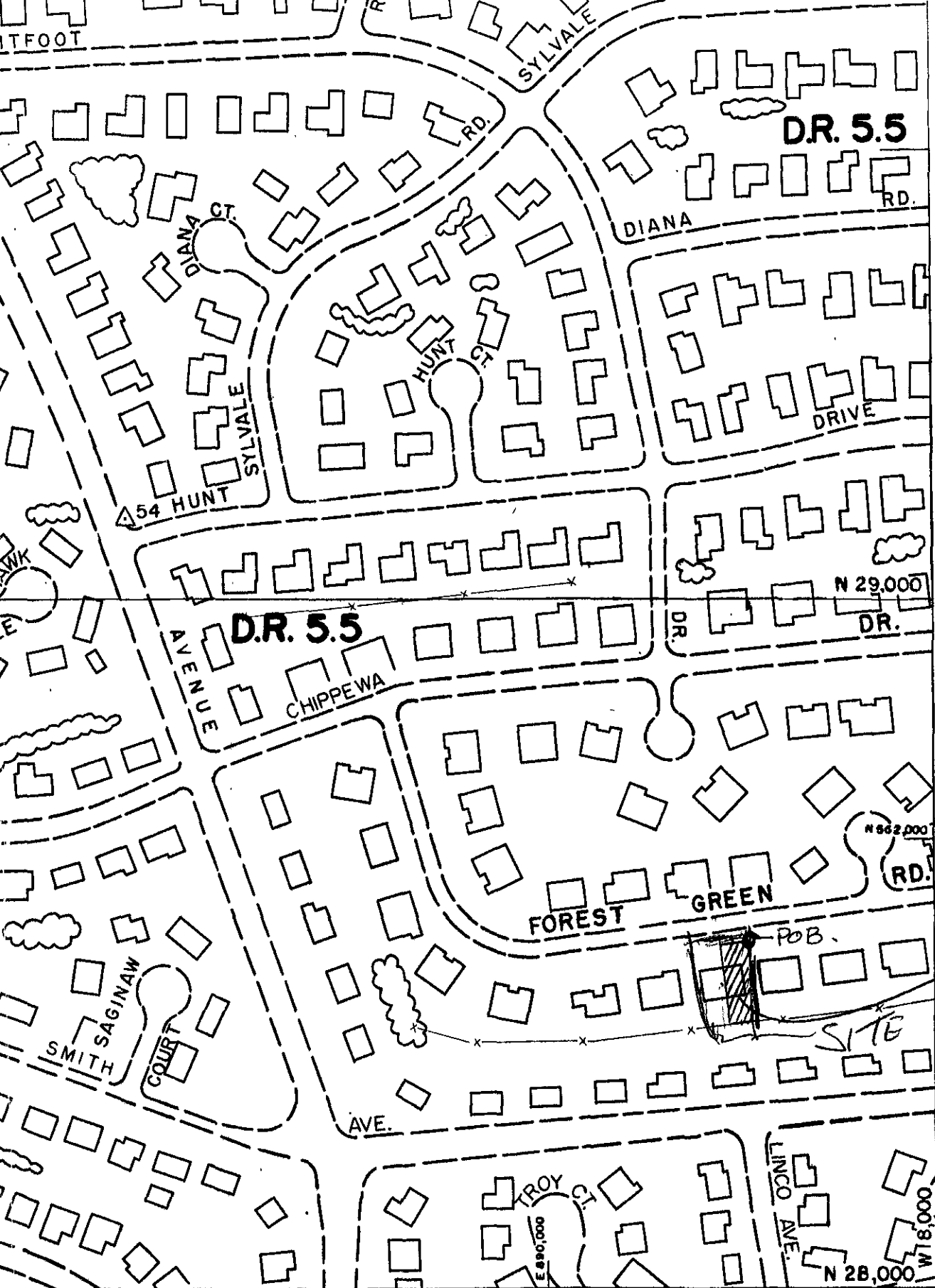
T NW-7-D)

E COUNTY ZONING AND ZONING

1992 COMPREHENSIVE ZONING
Adopted by the Baltimore County Council
Oct. 15, 1992

Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92

William A. Howard



96-329-A

SITE,

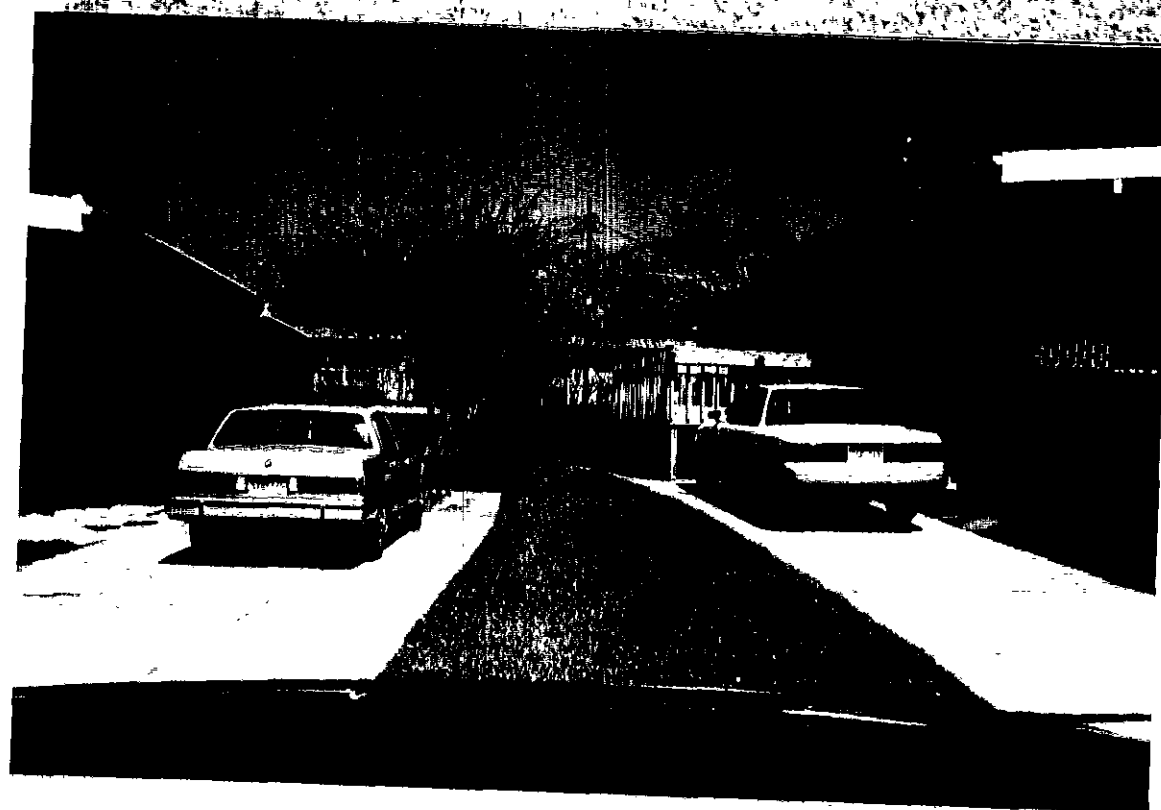
#329

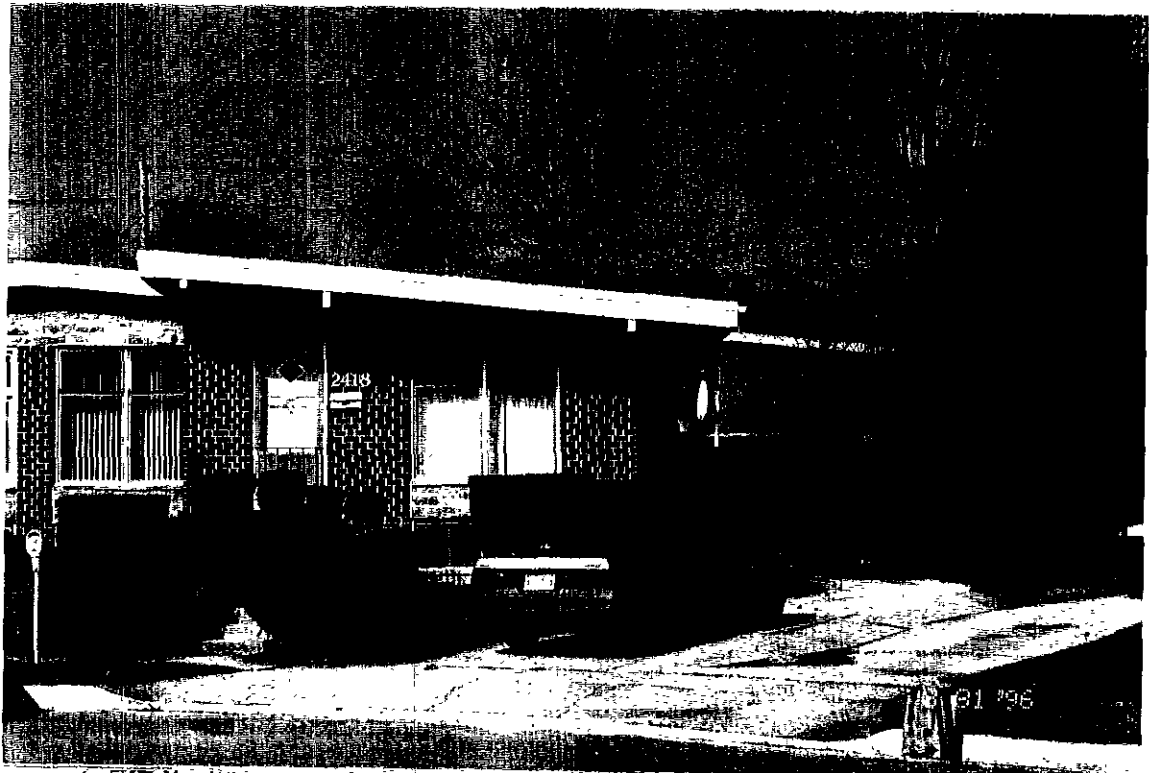
MAP Council -02,189-02	SCALE 1" = 200' ±	LOCATION PIKESVILLE AREA	SHEET N. W. 8 - D
	DATE OF PHOTOGRAPHY		

Petitioner's
Exhibits
2A-2L
photographs
in
Case 96-329-A

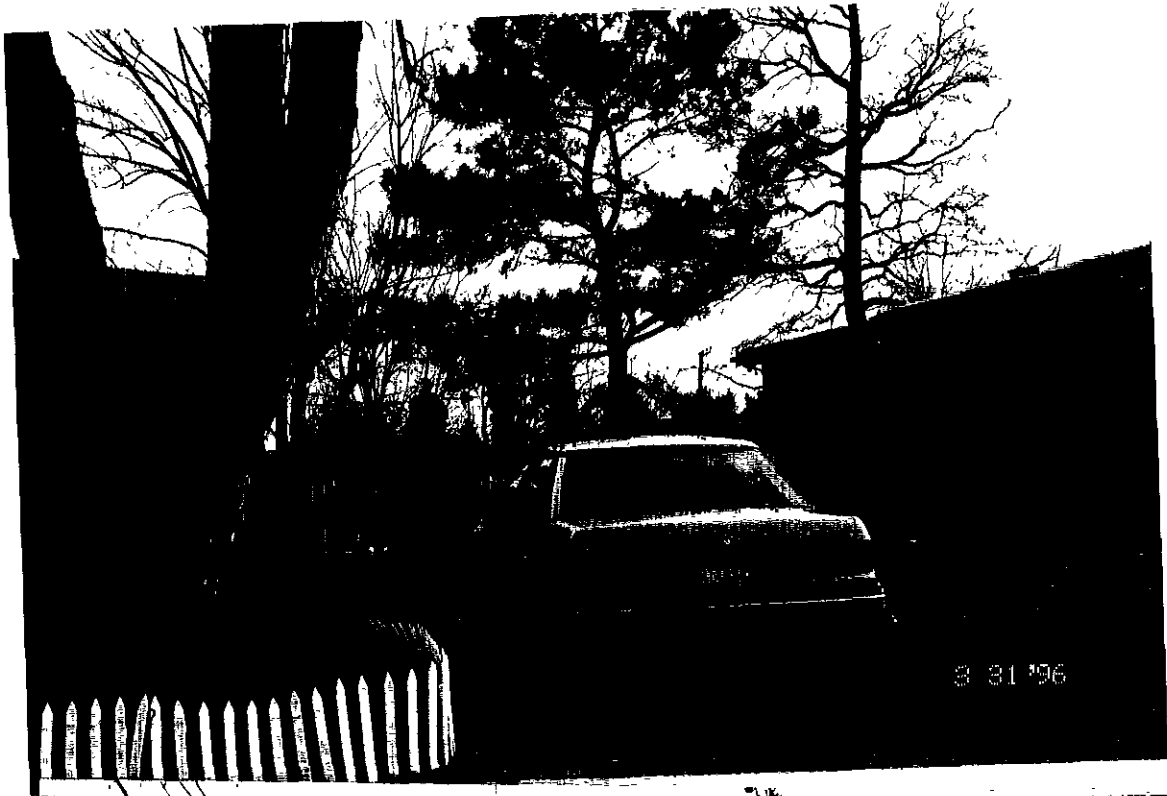
ORIGINAL

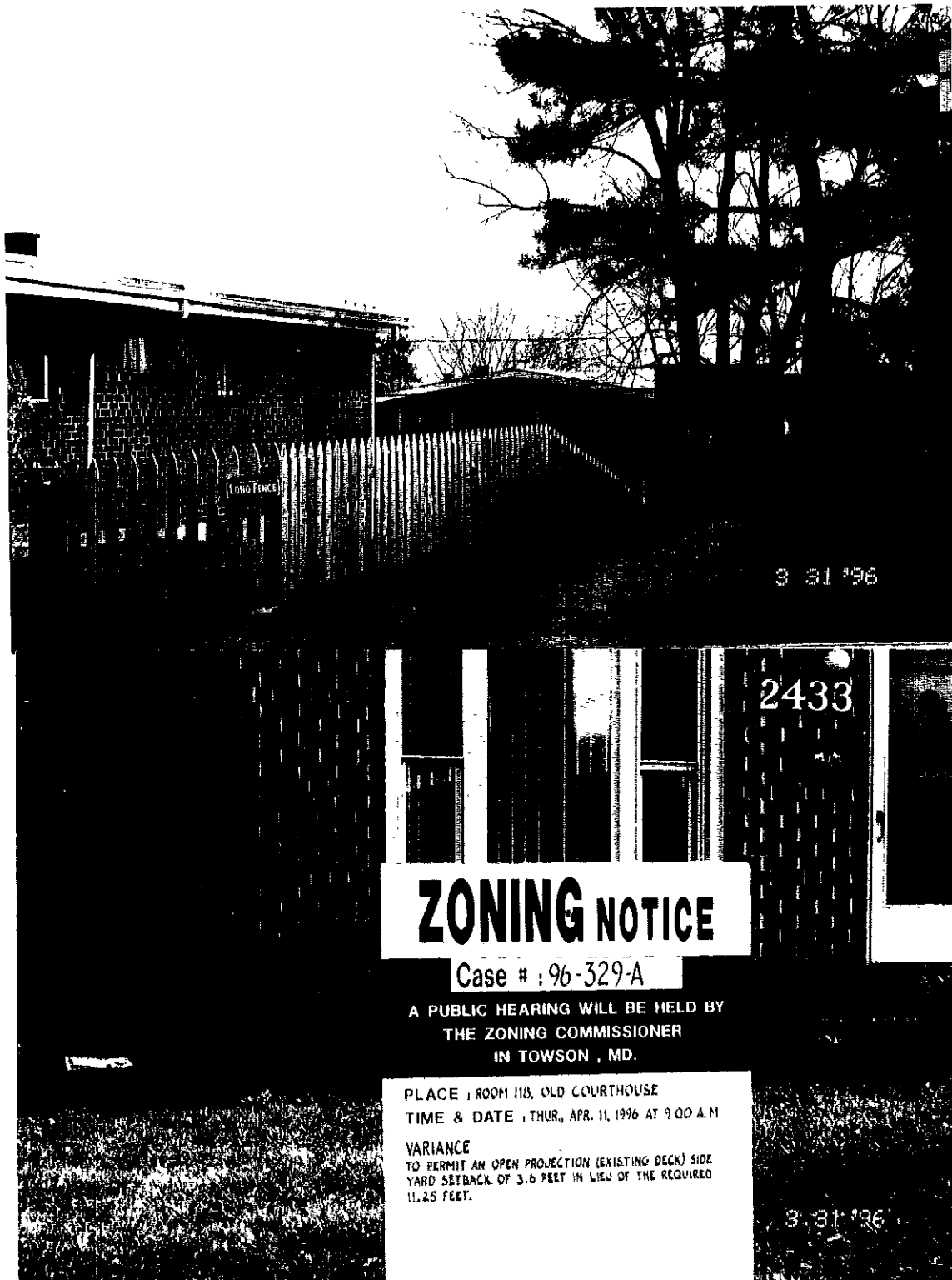












ZONING NOTICE

Case #: 96-329-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE, ROOM 118, OLD COURTHOUSE
TIME & DATE, THUR., APR. 11, 1996 AT 9:00 A.M.
VARIANCE
TO PERMIT AN OPEN PROJECTION (EXISTING DECK) SIDE
YARD SETBACK OF 3.6 FEET IN LIEU OF THE REQUIRED
11.25 FEET.

8-31-96

329



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2133 FOREST GREEN ROAD
which is presently zoned DR5.5

96-329-A

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 211.3 BACKYARD 301.1 (1950) (4)
TO PERMIT AN OPEN POOLED (PAVED DECK) SIDE YARD SETBACK OF
3.6 FT. IN LIEU OF THE REQUIRED ~~11.25~~ 11.25 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

DECK WAS BUILT IN 1989 WITH PERMIT # B204929
ISSUED 07/24/89 AND PASSED BY COUNTY INSPECTORS

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

STEPHEN M FRIEDMAN
(Type or Print Name)

Signature

ELAINE F FRIEDMAN
(Type or Print Name)

Signature

2133 FOREST GREEN ROAD 4840487 HOME
Address Phone No. 2431007 WORK

BALTIMORE MD 21209
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

329

ZONING DESCRIPTION

96-329-A

Zoning Description For 2433 FOREST GREEN ROAD, BALTIMORE COUNTY,

MARYLAND

Beginning at a point on the south side of Forest Green Road which is 60 feet wide at the distance of 755 feet west of the centerline of the nearest improved intersecting street Pimlico Road which is 60 feet wide. Being Lot # 16, Block A in the subdivision of Forest Green as recorded in Baltimore County Plat Book # 24, Folio # 23, containing 0.118 acres. Also know as 2433 Forest Green Road and located in the 3rd Election District, 2nd Councilmanic District.

IN RE: PETITION FOR VARIANCE
S/S Forest Green Road, 755' W
of Pimlico Road
(2433 Forest Green Road)
3rd Election District
2nd Councilmanic District
Stephen M. Friedman, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-329-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 2433 Forest Green Road, located in the vicinity of Smith Avenue and Pimlico Road near Pikesville. The Petition was filed by the owners of the property, Stephen M. and Elaine F. Friedman. The Petitioners seek relief from Section 211.3 and 301.1 (1955 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (existing deck) with a side yard setback of 3.6 feet in lieu of the required 11.25 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Stephen Friedman, property owner, and Julius W. Lichter, Esquire, attorney for the Petitioners. Appearing in support of the request were Doris Hyatt and Gabriel Rosenbush, Jr., nearby property owners. Appearing as a Protester in the matter was Beatrice Davis, adjoining property owner.

Testimony and evidence offered revealed that the subject property consists of .12 acres, more or less, zoned D.R. 5.5 and is improved with a single family dwelling and an attached open deck, which is the subject of this request. The Petitioners testified that they had applied for and

obtained a building permit to construct the subject deck in 1989 and that the deck has existed on the property since that time. There have been no modifications or changes to the structure since it was built. It was recently discovered, however, that this deck is located 3.6 feet from the property line shared with Ms. Davis. Testimony revealed that Ms. Davis resided next door at the time the deck was constructed and did not voice any complaint at that time. Ms. Friedman testified that she and her husband use the deck for cook-outs and for relaxing outdoors when weather permits. Ms. Friedman also submitted a Petition which had been signed by many of her neighbors who reside in the community indicating that they have no objections to the deck. Furthermore, the Petitioners submitted into evidence photographs of their property depicting the deck in question and other decks in the community which are built similarly.

As noted above, Ms. Beatrice Davis appeared in opposition to the relief requested. Ms. Davis is opposed to the deck as she feels it is too close to her property and invades her privacy. She testified that her neighbors can see into her bedroom when they use their deck. Ms. Davis testified that she has resided in her house since 1987 and assumed that the deck had been constructed in compliance with all Baltimore County regulations. Recently, however, Ms. Davis purchased a dog and had a fence constructed around her property. During the course of a property line survey of her property which was done for the fence, it was discovered that her neighbors' deck was located close to their property line and that a variance was required. Ms. Davis objects to the variance and believes the Petitioners should maintain the required setback for their deck.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. The testimony and evidence in this case shows that the deck has existed on the property for the past seven years. Furthermore, a valid building permit for the deck was issued and it should have been determined at that time if a variance was needed prior to construction of the deck. This error is not attributable to the Petitioners, but apparently is due to a clerical mistake made by a County employee. In any event, I do not believe that the Petitioners should be penalized and required to remove the deck or to reduce its size as a result of this error. In my opinion, the relief requested will not be detrimental to the health, safety or general welfare of the surrounding locale and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26 day of May, 1996 that the Petition for Variance seeking relief from Section 211.3 and 301.1 (1955 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing open projection (deck) with a side yard setback of 3.6 feet in lieu of the required 11.25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that any party has the right to file an appeal of this decision provided they do so within thirty (30) days of the date of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/24/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/24/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/24/96
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
(410) 887-4396
Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204
May 20, 1996

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204
RE: PETITION FOR VARIANCE
S/S Forest Green Road, 755' W of Pimlico Road
(2433 Forest Green Road)
3rd Election District - 2nd Councilmanic District
Stephen M. Friedman, et ux - Petitioners
Case No. 96-329-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Stephen M. Friedman
2433 Forest Green Road, Baltimore, Md. 21209

Ms. Beatrice Davis
2431 Forest Green Road, Baltimore, Md. 21209

People's Counsel

File

MICROFILMED

Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 2433 FOREST GREEN ROAD
96-329-A which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property, hereby petition for a Variance from Section(s) 211.3 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing open projection (deck) with a side yard setback of 3.6 feet in lieu of the required 11.25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

DECK WAS BUILT IN 1989 WITH PERMIT # B204929
ISSUED 07/29/89 AND PASSED BY COUNTY INSPECTORS

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s):
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s)
STEPHEN M. FRIEDMAN
(Type or Print Name)
[Signature]
Signature
ELAINE F. FRIEDMAN
(Type or Print Name)
[Signature]
Signature
2433 FOREST GREEN ROAD
Address
BALTIMORE MD 21204
City, Address and phone number of representative to be contacted

Printed with Soybean Ink
to Recycle Paper
Revised 9/5/95

REVIEWED BY: [Signature] DATE 5/24/96

ZONING DESCRIPTION

Zoning Description For 2433 FOREST GREEN ROAD, BALTIMORE COUNTY,

MARYLAND

Beginning at a point on the south side of Forest Green Road which is 60 feet wide at the distance of 755 feet west of the centerline of the nearest improved intersecting street Pimlico Road which is 60 feet wide. Being Lot # 16, Block A in the subdivision of Forest Green as recorded in Baltimore County Plat Book # 24, Folio # 23, containing 0.118 acres. Also known as 2433 Forest Green Road and located in the 3rd Election District, 2nd Councilmanic District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 316
Posted for: April 11, 1996 hearing Date of Posting 3-22-96
Petitioner: Stephen and Elaine Friedman
Location of property: 2433 Forest Green Road
Location of Signs: _____
Remarks: _____
Posted by: Mark Hamel Signature
Number of Signs: _____ Date of return: _____

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Ordinance of Baltimore County, will hold a public hearing on the property identified herein at Room 112 of the County Courthouse, 400 Washington Avenue, in Towson, Maryland 21204, on the following date and time:
Case #96-329-A
Date: 5/24/96
Time: 10:00 AM
The purpose of the hearing is to receive testimony and evidence from interested parties and to make a decision on the petition for a variance from the Zoning Ordinance of Baltimore County.
The hearing will be held in accordance with the provisions of the Zoning Ordinance of Baltimore County, Section 211.3 and 301.1.
The hearing will be held in accordance with the provisions of the Zoning Ordinance of Baltimore County, Section 211.3 and 301.1.
The hearing will be held in accordance with the provisions of the Zoning Ordinance of Baltimore County, Section 211.3 and 301.1.
The hearing will be held in accordance with the provisions of the Zoning Ordinance of Baltimore County, Section 211.3 and 301.1.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/14, 1996
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/14, 1996.

THE JEFFERSONIAN,
A. Henricson
LEGAL AD. - TOWSON

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2/27/96 ACCOUNT Room 150

AMOUNT \$ 25.00

RECEIVED FROM FRIEDMAN
2433 FOREST GREEN RD
RES VISA. 50.00
FOR 150.00

VALIDATION OR SIGNATURE OF CARRIER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:
Item No.: # 329
Petitioner: FRIEDMAN
Location: 2433 FOREST GREEN RD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: MR & MRS STEPHEN FRIEDMAN
ADDRESS: 2433 FOREST GREEN RD
BALTIMORE, MD 21209
PHONE NUMBER: (410) 484-0487

At: ggs (Revised 04/09/93)

TO: PUTNEM PUBLISHING COMPANY
March 14, 1996 Issue - Jeffersonian

Please forward billing to:
Mr. & Mrs. Stephen Friedman
2433 Forest Green Road
Baltimore, MD 21209
484-0487

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-329-A (Item 329)
2433 Forest Green Road
S/S Forest Green Road, 755' W of Plinio Road
3rd Election District - 2nd Councilmanic
Legal Owner: Stephen M. Friedman and Elaine F. Friedman

Variance to permit an open projection (existing deck) side yard setback of 3.6 feet in lieu of the required 11.25 feet.

HEARING: THURSDAY, APRIL 11, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 7, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-329-A (Item 329)
2433 Forest Green Road
S/S Forest Green Road, 755' W of Plinio Road
3rd Election District - 2nd Councilmanic
Legal Owner: Stephen M. Friedman and Elaine F. Friedman

Variance to permit an open projection (existing deck) side yard setback of 3.6 feet in lieu of the required 11.25 feet.

HEARING: THURSDAY, APRIL 11, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Stephen and Elaine Friedman

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 4, 1996

Mr. and Mrs. Friedman
2433 Forest Green Road
Baltimore, MD 21209

RE: Item No.: 329
Case No.: 96-329-A
Petitioner: Stephen Friedman, et ux

Dear Mr. and Mrs. Friedman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

FROM: Robert M. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for March 18, 1996
Item Nos. 327, 328, 329, 330 & 333

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:jrb
cc: File

ZONE2

MICROFILMED

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 03/12/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAR. 12, 1996

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 325, 327, 328, 329, 330 AND 333.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102P

cc: File

MICROFILMED

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

3-8-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 329 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

MICROFILMED

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: March 7, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):
Item Nos. 316, 317, 319, 321, 322, 325, 327, (329), 330, and 333

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Carol L. Lewis

PK/JL

ITEM316/PZONE/ZAC1

Permits
Code Enforcement
Baltimore County
Department of Permits & Development Management
Bureau of Code Enforcement
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3231

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: March 14, 1996

FROM: James H. Thompson - MG
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 329
PETITIONER: Stephen M. Friedman and Elaine F. Friedman
Tenants By Entireties

VIOLATION CASE NO.: C-96-2457

LOCATION OF VIOLATION: 2433 Forest Green Road
Baltimore, Maryland 21209
3rd Election District

DEFENDANTS: Stephen M. Friedman and Elaine F. Friedman
2433 Forest Green Road
Baltimore, Maryland 21209

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME ADDRESS
Beatrice Davis 2431 Forest Green Road
Baltimore, Maryland 21209

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/hak

MAR-19-96 TUE 11:30 AM FRIEDMAN

410 484 6467 P.05

Baltimore County
Department of Permits and Development Management
Bureau of Code Enforcement
111 West Chesapeake Avenue
Towson, Maryland 21204

CODE VIOLATION NOTICE

NAME: Stephen & Elaine Friedman DATE: 11-9-95
ADDRESS: 2433 Forest Green Rd.
CITY/ZIP: Balt. Md. 21209

RE: Case No. 96-2457 LOCATION: 2433 Forest Green Rd.
DISTRICT: 3

Dear Mrs. Friedman:

In accordance with the Baltimore County Code, Article IV, Section 402, (d), an inspection was conducted of the above location, zoned DR-25. This inspection revealed violation(s) according to the following code(s):

- ☒ Baltimore County Zoning Regulations (BCZR), Section 102.1.
- ☐ Building Code of Baltimore County, Maryland, Section 102.1.
- ☐ Liability Code, Baltimore County, Section 18-88.
- ☐ Other _____

The following correction(s) is/are required:

Deck on side of house does not meet
the zoning side yard set backs. You
must file for a zoning variance within
30 days of this notice to have the
side set back changed.

need permit for porch violation notice 1st into the porch
1st into the porch right to end of hallway

The above violation(s) must be corrected on or before 12-9-95 or further legal action will proceed, in which you may be subject to a civil penalty. Should you need further clarification, please contact March 1996 Code Inspector, at (410) 887-4032 6040

Sign posted 15 days before hearing date go to Brown & Hill
not signed

RE: PETITION FOR VARIANCE
2433 Forest Green Road, S/S Forest Green
Road, 755' W of Pinlico Road, 3rd
Election District, 2nd Councilmanic
Stephen M. and Elaine F. Friedman
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-329-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol S. Demilio
CAROL S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 1996, a copy of the foregoing Entry of Appearance was mailed to Stephen M. and Elaine F. Friedman, 2433 Forest Green Road, Baltimore, MD 21209, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
<u>STEPHEN FRIEDMAN</u>	<u>2433 FOREST GREEN RD</u>
<u>DAVID HYATT</u>	<u>2434 FOREST GREEN RD</u>
<u>GORDON W. ROSENBLUTH JR</u>	<u>2435 FOREST GREEN RD</u>

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<u>BEATRICE DAVIS</u>	<u>2431 FOREST GREEN RD,</u> <u>Baltimore, Md 21209</u>

May 16, 1996

Mr. Timothy Rotroco
Deputy Zoning Commissioner
Old Court House
400 Washington Avenue - Room 112
Towson, Maryland 21204

RE: Friedman - 2433 Forest Green Road, Baltimore, Md. 21209
Case # 96-329A

Dear Sir:

On April 11, 1996 a hearing was held regarding the above captioned case in reference to the deck that was built.

Since I am directly affected by your decision, as the next door neighbor, I would appreciate hearing whether a decision has been made.

Thank you for your attention to this matter.

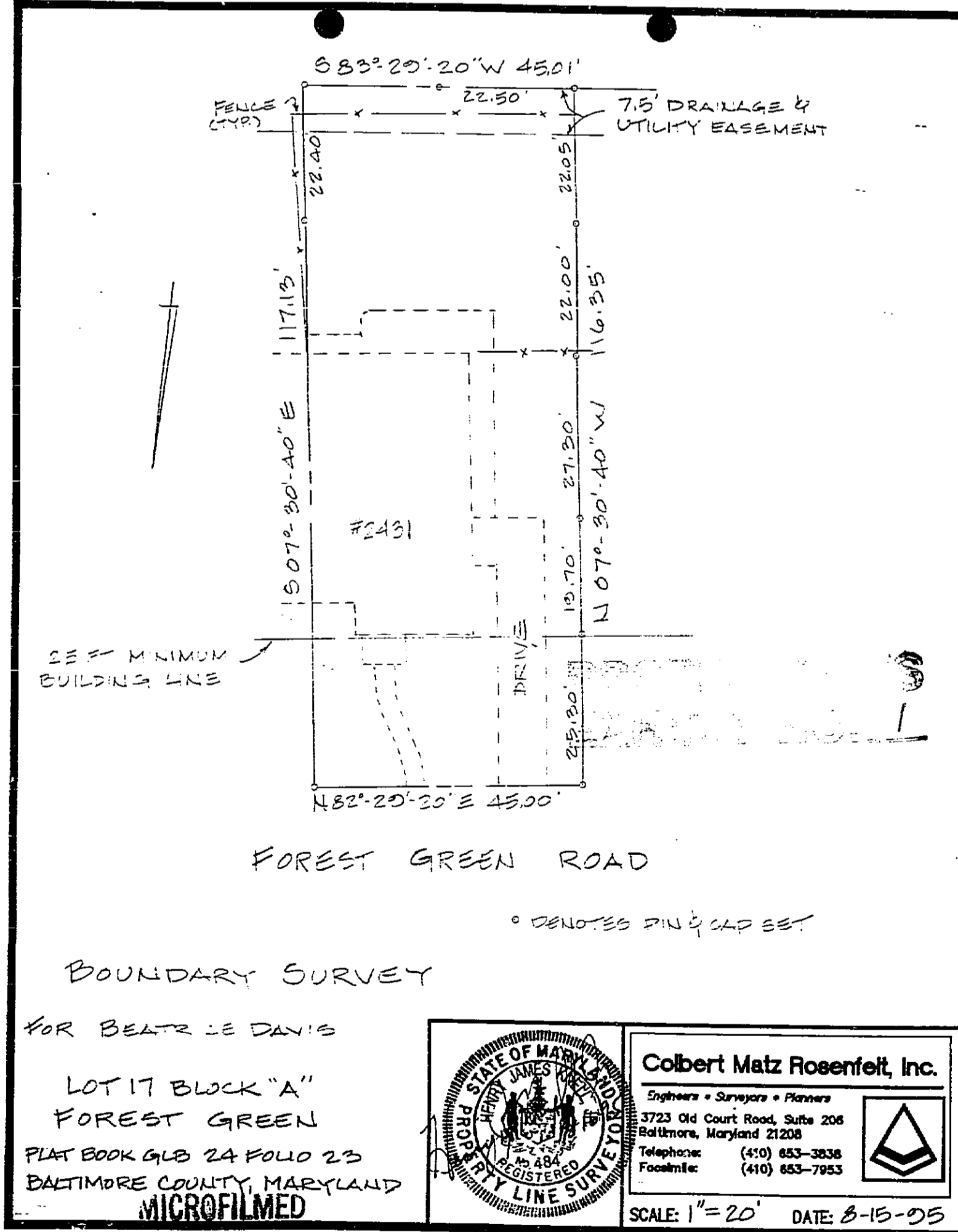
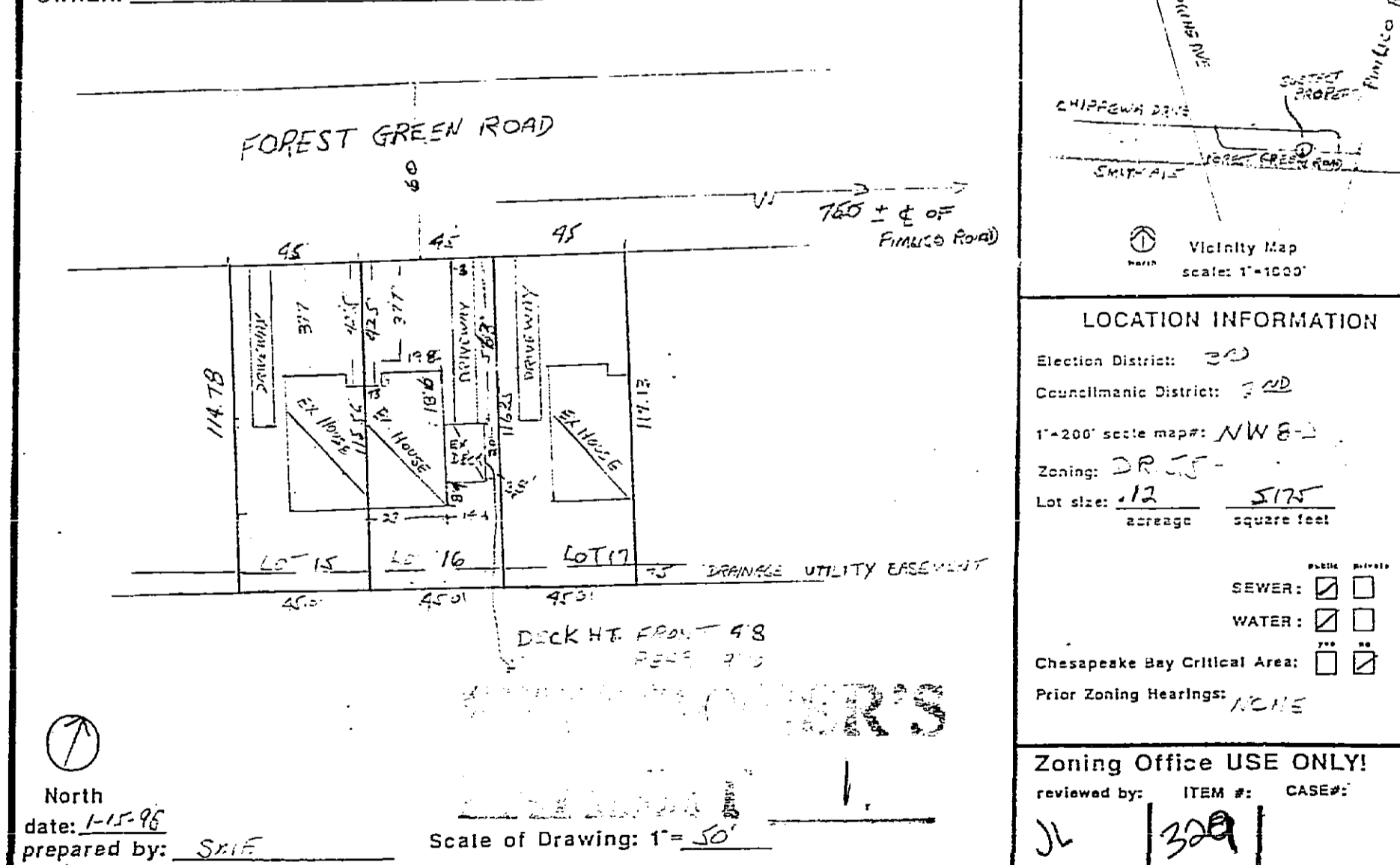
Very truly yours,
Beatrice Davis
Ms. Beatrice Davis
2431 Forest Green Road
Baltimore, Md. 21209
telephone
(410) 486-0753

MICROFILMED

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 2433 FOREST GREEN ROAD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: FOREST GREEN
plat book 24 folio 23 lot 16 section BLT 96-329-A
OWNER: STEPHEN & ELAINE FRIEDMAN

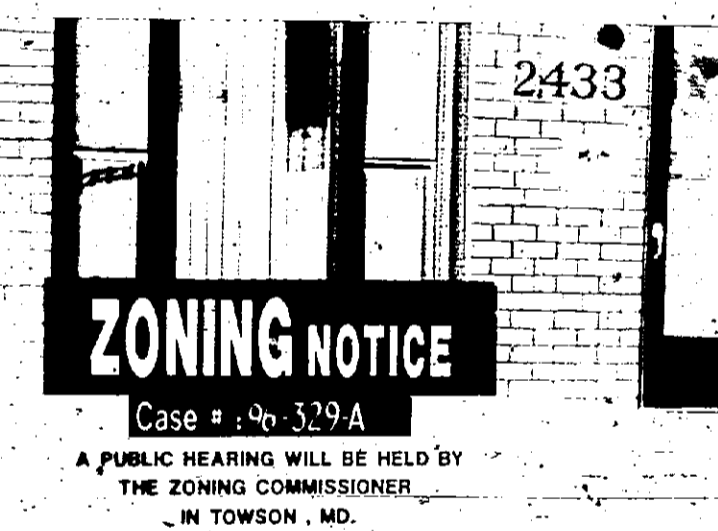
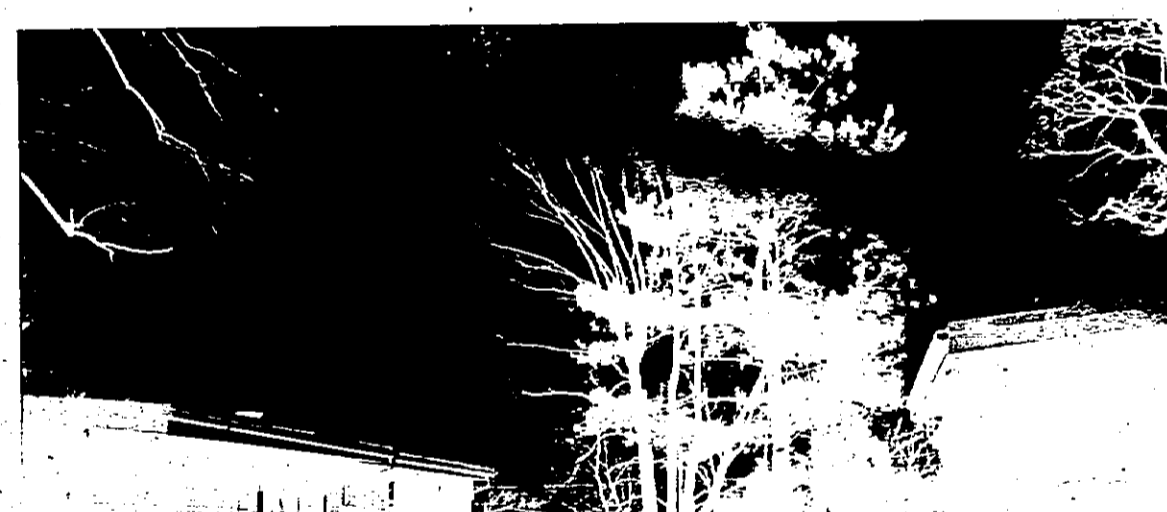
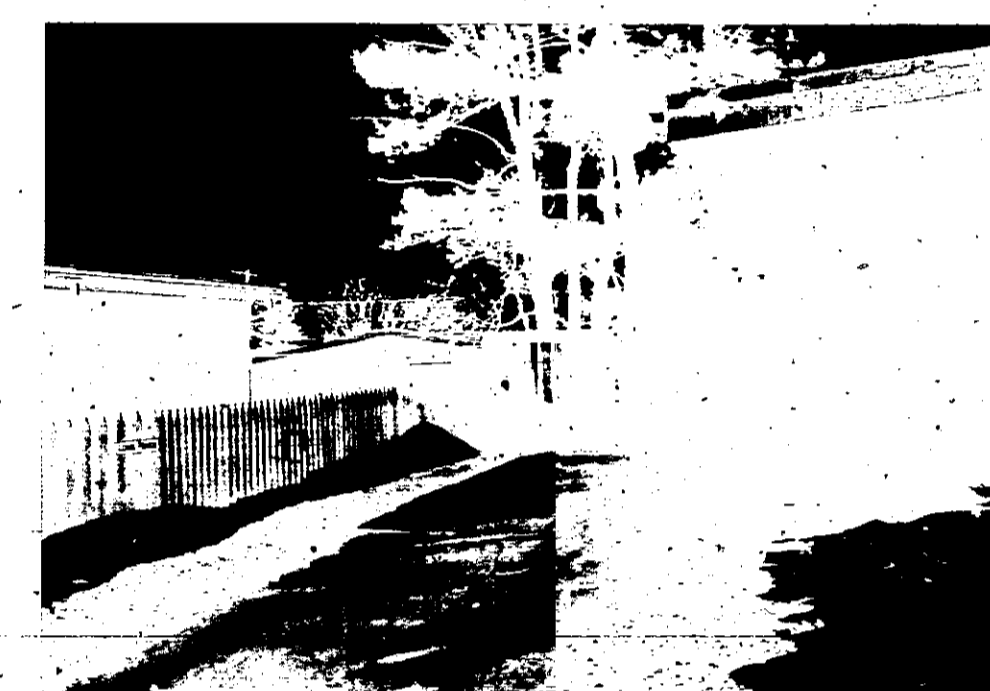


Colbert Matz Rosenfelt, Inc.
Engineers & Surveyors - Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone (410) 853-3836
Facsimile (410) 853-7553

SCALE: 1"=20' DATE: 5-15-95

CERTPLT1.DWG

Petitioner's
Exhibits
2A-2L
photographs
in
Case No. 329-A



ZONING NOTICE

Case No. 329-A
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

2433